

EXHIBIT 1

4. Defendant Fraley and Schilling, INC is a for profit corporation doing business in the City of Rushville, Rush County, State of Indiana.

5. Defendant Cordarius Moore is an adult resident of the City of Birmingham, Jefferson County, State of Alabama.

6. Defendant Falcon Logistics and Transportation, LLC is a for profit corporation doing business in the City of Birmingham, Jefferson County, State of Alabama.

7. Defendant Shymeshea Stubbs is an adult resident of the City of Macon, Bibb County, State of Georgia.

8. Defendant SAV Leasing, LLC is a for profit corporation doing business in the City of Birmingham, Jefferson County, State of Alabama.

9. On September 28, 2022, Plaintiff Markell McCarthy was traveling northbound on I-65 at approximately the 248-mile marker City of Crown Point, Lake County, State of Indiana.

10. At said time and place in question, Defendants were traveling eastbound on I-65 at approximately the 248-mile marker City of Crown Point, Lake County, State of Indiana.

11. Defendants owed Plaintiff a duty of care at all times relevant.

12. That Defendants proceeded to drive in a reckless and dangerous manner which included, but was not limited, to the following:

- a. Driving too fast for road conditions;
- b. Failing to keep proper and sufficient lookout for other vehicles;
- c. Failing to operate their vehicles in a safe manner;
- d. Failing to yield the right-of-way; and/or

e. Failing to give proper and sufficient notice of their approach.

13. Defendant Fraley and Schilling, INC is liable for the negligent acts of its employee Daniel Atkins on the date in question based upon *respondeat superior*.

14. Defendant Falcon Logistics and Transportation, LLC is liable for the negligent acts of its employee Cordarius Moore on the date in question based upon *respondeat superior*.

15. Defendant S.A.V. Leasing, LLC is liable for the negligent acts of its employee Shymeshea Stubbs on the date in question based upon *respondeat superior*.

16. That as a direct and proximate result of Defendants negligence as aforesaid, Plaintiff was violently thrown and jostled about causing him great pain and personal injury which required medical care and treatment. That while Plaintiff was receiving medical care and treatment or otherwise convalescing from his injuries, he has also suffered emotional distress and loss of enjoyment of life.

WHEREFORE, Plaintiff Markell McCarthy respectfully requests judgment against Defendants Antonie Brown, Daniel Atkins and Fraley and Schilling, Inc., Cordarius Moore and Falcon Logistics and TRA, Shymeshea Stubbs and SAV Leasing, LLC, in an amount of money that will adequately compensate him for the injuries and damages sustained and will continue to sustain, for costs of this action and for all other just and proper relief in the premises.

**JURY DEMAND**

Plaintiff demands trial by jury.

/s/ MARK J. SCHOCKE

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